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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,185	07/25/2006	Kiyoshi Hirakawa	062835	7277
38834 7590 03/04/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER MOYER, DALE S				
ART UNIT		PAPER NUMBER		
4117				
MAIL DATE		DELIVERY MODE		
03/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,185

Applicant(s)

HIRAKAWA ET AL.

Examiner

Dale Shawn Moyer

Art Unit

4117

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-850)
Paper No(s)/Mail Date 7/25/2006 and 10/19/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Specification

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2:

The limitation "wherein the automatic machine has a driving power indication unit for indicating that the motor is driven and the driving power indication unit serves as the brake release indication unit when the motor is not driven" renders the claim indefinite. That is, this limitation renders the claim indefinite because it is unclear if the driving power indication unit and the brake release indication unit are different portions of the same unit or if they are individual units. For the purpose of examination, the driving power indication unit and the brake release indication unit are best understood by the examiner to be separate portions of the same indication unit.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimogama et al. (United States Patent 6,294,887) in view of Crunk (United States Patent Application Publication 2003/0193841).

6. Regarding claim 1:

Shimogama et al. teach an automatic machine control device, comprising: a brake releasing unit (Fig. 1; abstract) that releases the brake when the motor is not driven (column 3, lines 56-63); and a brake release indication unit (element 5) that is provided on the automatic machine or in the vicinity of the automatic machine, wherein the brake release indication unit indicates that the brake is released by the brake releasing unit (column 1, lines 34-35).

Shimogama et al. do not specifically teach that the indication unit indicates that the brake is ready to be released by the brake releasing unit.

Crunk teaches an indication device that provides a visual signal to an operator as to the operating state of connected equipment (paragraph 3).

It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the automatic machine control device taught by

Shimogama et al. with the indication device taught by Crunk. That is, it would have been obvious to the person of ordinary skill in the art to connect the indication device taught by Crunk to the brake releasing unit taught by Shimogama et al. The person of ordinary skill in the art would have been motivated to combine these teachings so that the operator could determine the operating state of the brake releasing unit at a quick glance, without having to closely inspect the brake release unit.

Regarding claim 2:

Shimogama et al. teach the automatic machine control device as applied to claim 1 above, wherein the automatic machine has a driving power indication unit (element 5) for indicating that the motor is driven (column 1, lines 45-47), and the driving power indication unit serves as the brake release indication unit when the motor is not driven, and selects one state of different indication states (element 5b, Fig. 1), such as when the motor is driven (column 1, lines 43-47) or when the brake is to be released (column 1, lines 34-35).

Regarding claim 3:

Shimogama et al. teach the automatic machine control device of claim 2, wherein the automatic machine is a robot and the automatic machine control device is a robot control device (column 2, lines 3-4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dale Shawn Moyer whose telephone number is (571)270-7821. The examiner can normally be reached on Monday through Thursday from 10AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naeem U. Haq can be reached on (571)272-6758. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dale Shawn Moyer/
Examiner, Art Unit 4117

/Naeem Haq/
Supervisory Patent Examiner, Art
Unit 4117

March 2, 2009